

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES LOGAN DIEZ #02399291,
Plaintiff,

V.

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE – CID, et al.
Defendants.

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CIVIL ACTION NO. 2:23-CV-00269

AMICUS CURIAE ADVISORY

The Office of the Attorney General (“OAG”) of the State of Texas, as amicus curiae, files this Advisory regarding the Court’s Order to Answer Plaintiff James Logan Diez (“Plaintiff”)’s civil rights complaint under 42 U.S.C. §1983, and respectfully requests that this Court extend the deadline to file a responsive pleading on behalf of Defendant Bryan Collier, in his individual and official capacity as Executive Director of the Texas Department of Criminal Justice (“TDCJ”).

Plaintiff Diez, a prisoner confined within TDCJ at the McConnel Unit in Beeville, Texas, and proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. D.E. 1. Plaintiff contends TDCJ’s new mail policy – which requires non-legal mail to be sent to a third-party vendor in Dallas, Texas to be scanned and later uploaded to his prisoner electronic tablet – has violated his First and Fourteenth Amendment rights. Plaintiff seeks injunctive relief and reimbursement of his court costs, punitive damages of \$10,000 per official responsible, \$1000 damages for each letter destroyed from each official responsible, and a declaratory judgement (D.E. 16 at 14-15). On March 25, 2024, this Court Ordered Service of Process (D.E. 28) and filed a Memorandum and Recommendation to Retain Case and Dismiss Certain Claims (D.E.27) and a Memorandum and Recommendation to Deny Plaintiff’s Motion for Class Certification and Motion

to Consolidate Cases (D.E. 29).

The Law Enforcement Defense Division has recently encountered a backlog of case assignments for the division which has resulted in attorneys with large federal and state dockets. This case was not assigned to undersigned counsel until May 20, 2024. The OAG intends to appear on behalf of Defendant Collier. The undersigned is making diligent efforts to receive Defendant Collier's request for representation. The OAG seeks a short extension to Monday, June 3, 2024, to obtain the authority to represent Defendant and file a responsive pleading. This short 14-day extension will not prejudice Plaintiff Diez and will allow time for undersigned counsel to assert the proper defenses.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

JAMES LLOYD

Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE

Division Chief

Law Enforcement Defense Division

/s/ *Shana Sobel*

SHANA SOBEL

Assistant Attorney General

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ATTORNEYS FOR DEFENDANT

NOTICE OF ELECTRONIC FILING

I, **SHANA SOBEL**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true and correct copy of the above and foregoing **Amicus Curiae Advisory** was filed in accordance with the Electronic Case Files System of the Southern District of Texas, on May 20, 2024.

/s/ Shana Sobel
SHANA SOBEL
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **SHANA SOBEL**, Assistant Attorney General of Texas, certify that a true copy of the foregoing will be served by placing same in the United States Mail, postage prepaid, within one business day of May 20, 2024, addressed to:

James Logan Diez #02399291
McConnel Unit
P.O. Box 99
Huntsville, TX 77342
Plaintiff, *pro se*

Via Certified Mail

/s/ Shana Sobel
SHANA SOBEL
Assistant Attorney General